

**RFP-5-62**

**STATE OF INDIANA  
REQUEST FOR PROPOSALS  
FOR PROFESSIONAL SERVICES**

**THE INDIANA DEPARTMENT OF ADMINISTRATION (IDOA), ON BEHALF OF  
ITSELF AND THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT),  
INDIANA GAMING COMMISSION (IGC) AND THE FOLLOWING PUBLICLY  
FUNDED INSTITUTIONS OF HIGHER EDUCATION OF THE STATE OF INDIANA**

**Ball State University (BSU)**

**Indiana University (IU)**

**Indiana and Purdue University - Indianapolis (IUPUI)**

**Indiana State University (ISU)**

**Ivy Tech State College (Ivy Tech)**

**Purdue University (Purdue)**

**University of Southern Indiana (ISU)**

**Seeks**

**CONSULTANT SERVICES FOR AN EVALUATION OF  
DISADVANTAGED, MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAMS  
DATE FOR RECEIPT OF PROPOSALS:**

**RELEASED BY: IDOA Procurement Division – RFP Section  
Indiana Department of Administration  
402 W. Washington Street - Room W468  
Indianapolis, IN 46204**

## **RFP-5-62**

### **SECTION ONE**

#### **GENERAL INFORMATION AND REQUESTED PRODUCTS/SERVICES**

##### **1.1 INTRODUCTION**

The Indiana Department of Administration, hereinafter referred to as “IDOA”, on behalf of itself and the Indiana Department of Transportation, hereinafter referred to as “INDOT”, the Indiana Gaming Commission, hereinafter referred to as “IGC”, and the seven (7) publicly funded state educational institutions, hereinafter referred to individually as “SEI” and collectively as "SEI's", are seeking professional services by a qualified firm, hereinafter referred to as “Contractor”, to assess the extent of utilization by executive agencies of the State of Indiana and the SEI's , and to assess the availability of minority owned enterprises, hereinafter referred to as “MBE”, and women owned enterprises, hereinafter referred to as “WBE”, as prime contractors and subcontractors in the procurement of professional services, contractual services supplies and publicly funded construction services. A disadvantaged business enterprise, hereinafter referred to as “DBE” is applicable specifically to federally financed projects by INDOT and are governed by separate federal regulations promulgated under Title 49, Code of Federal Regulations, Subpart 26. It is quite common for qualifying business to apply for multiple certifications (i.e. MBE and DBE and/or MBE, WBE and DBE) when they fulfill the requirements for applicable certification.

It is the intent of the IDOA, INDOT, IGC and SEI's to solicit responses to this Request for Proposals (including attachments A through E) hereinafter referred to as “RFP” in accordance with the statement of work, proposal preparation section, and specifications contained in this document.

##### **1.2 DEFINITIONS AND ABBREVIATIONS**

Following are explanations of terms and abbreviations appearing throughout this RFP. Other special terms may be used in the RFP, but they are more localized and defined where they appear, rather than in the following list.

Acceptance: The designated period following completion of the initial planning stages of the project and the coordination and implementation of each engagement. During the acceptance period, the State will evaluate all features of the assistance in creating training plans and all features and effectiveness of training coordination and implementation.

DBE: Disadvantaged Business Enterprise – as defined by the U.S. Department of Transportation (USDOT) under Title 49 of the Code of Federal Regulations, specific to contracts awarded using federal USDOT funds by the Indiana Department of Transportation (INDOT).

IAC: The Indiana Administrative Code.

IC: Indiana Code.

Implementation:	Successful completion of the engagements as specified in the contract resulting from this RFP.
Installation:	Delivery of products and services requested in this RFP, as applicable
MBE:	Minority owned enterprise that has been duly certified by the IDOA
Products:	Tangible goods or manufactured items as specified in this RFP, as applicable
Proposal:	An offer as defined in IC 5-22-2-17.
Respondent:	An offeror as defined in IC 5-22-2-18.
Services:	Work to be performed as specified in this RFP.
State; State of Indiana:	Each "state agency," each "separate body corporate and politic," and each "state educational institution" participating in this RFP, as those terms are defined in IC 4-13-16.5-1.
Vendor; Contractor:	Any successful respondent selected as a result of the procurement process to deliver the products and services requested by this Request for Proposals (RFP).
WBE:	Woman owned enterprise that has been duly certified by the IDOA.

### **1.3 PURPOSE**

The purpose of this solicitation and resulting contractual services is to update the MBE and WBE utilization disparity study conducted by the IDOA in the late 1990's, and to conduct a statistical analysis of utilization of DBE, WBE, and MBE's for each of the seven (7) SEI's, individually, in compliance with the requirements set forth in IC 4-13-16.5-2 and Title 25 of Indiana Administrative Code (IAC), Article 5, specifically 25 IAC 5.

As detailed in Attachment D, the selected Contractor will evaluate the effectiveness and legality of existing programs, policies and practices utilized by the IDOA, and separately for each SEI, and their impact upon the utilization of IDOA-certified MBE's and WBE's when compared to their availability as prime contractors and subcontractors in the procurement of professional services, contractual services, supplies and public (federal and state funded) construction work. This evaluation should include the disadvantaged business enterprises, hereinafter referred to as "DBE" by the Indiana Department of Transportation, hereinafter referred to as "INDOT" in accordance with the requirements of the U.S. Department of Transportation regulations published under Title 49 of the Code of Federal Regulations.

### **1.4 SCOPE OF THIS REQUEST FOR PROPOSALS (RFP)**

This document contains the following information that may be useful to anyone wishing to submit a proposal:

Section One -- A description of many factors affecting the proposal process and procedures.

Section Two -- A description of the required format and subject content of any acceptable proposals offered in response to this document.

Section Three -- A general discussion of the method that will be used by an evaluation team in selecting a respondent to recommend to State officials with whom to enter contract negotiations.

Attachments -- Details supporting this basic RFP document.

## **1.5 ISSUING OFFICE**

The Indiana Department of Administration (IDOA) has issued this RFP acting on behalf of state agencies of the State of Indiana, including INDOT and IGC, and, pursuant to a separately executed Memorandum of Understanding, also on behalf of the SEI's. The content has been prepared by the staff of the IDOA in consultation with INDOT and the SEI's. This RFP is being posted to the State of Indiana's "Opportunity Indiana" program and the IDOA-Procurement Division's websites, at <http://www.OpportunityIndiana.IN.gov> and <http://www.in.gov/idoa/proc/index.html>.

## **1.6 DUE DATE FOR PROPOSALS AND QUESTIONS**

*NOTE: Indianapolis and most of Indiana remains on Eastern Standard Time year round. When the nation is on Standard time, Indianapolis observes Eastern Standard Time, and is on the same time as New York City. When most of the nation is observing Daylight Savings Time, Indianapolis observes Eastern Standard Time (which is the same as Central Daylight Time) and is on the same time as Chicago.*

All proposals must be received at the address below by the Procurement Division no later than **3 p.m. Eastern Standard Time on February 2, 2005**. Each respondent must submit one original (marked "Original") and **five (5)** complete copies of the proposal, including the transmittal letter and other related documentation as required in this RFP. A complete copy of the proposal must be provided on a 3 ½" diskette and/or on CD-ROM size 700. No more than one proposal per respondent should be submitted. Each copy of the proposal must follow the format indicated in Section Two of this document. Unnecessarily elaborate brochures or other presentations, beyond that sufficient to present a complete and effective proposal, are not desired. All proposals must be addressed to:

Shelley Harris  
Procurement Division  
Indiana Department of Administration  
402 West Washington Street, W468  
Indianapolis, IN 46204

All proposal packages must be clearly marked with the RFP number, due date, and time due. Any proposal received by the Procurement Division after the due date and time will not be considered. Any late proposals will be returned, unopened, to the respondent upon request. All rejected proposals not claimed within 30 days of the proposal due date will be destroyed.

No more than one proposal per respondent should be submitted.

The State of Indiana accepts no obligations for costs incurred by respondents in anticipation of being awarded a contract.

**All proposals submitted to the State should be double-sided and printed on 30% post-consumer recycled content paper or tree-free paper. When possible, soy ink should be used.**

**Caution to respondents about shipping/mailing:** United States Postal Express and Certified Mail are both delivered to the Government Center Central Mailroom and not directly to the designated department. It is the responsibility of the respondent to make sure that solicitation responses are received by the Procurement Division on or before the designated time and date. Late submissions will not be accepted. The IDOA Procurement clock is the official time for all solicitation submissions.

#### Questions/Inquiries

All questions regarding this RFP must be submitted in writing to the above address no later than **3 p.m. Eastern Standard Time on January 4, 2005**. Inquiries may also be submitted via fax **(317-234-1281)** or email [rfp@idoa.state.in.us](mailto:rfp@idoa.state.in.us) and must be received by IDOA by the time and date indicated above. Questions submitted after 3 p.m. may not be considered.

Following the question due date, IDOA personnel will assemble a list of the compiled questions asked by all respondents. The responses will be posted to the IDOA website approximately one week after the question due date listed in the RFP timetable, Section 1.26. The Question and Answer link will not become active until IDOA has provided responses to all questions. IDOA reserves the right to judge whether any questions should be answered in writing, and copies will be placed on the Procurement page on the State's web site for downloading, distributed to all prospective respondents who are known to have received a copy of the original RFP, or both. Only answers signed by the Director of the Procurement Division or designee or posted on the State's web site will be considered official and valid by the State.

No negotiations, decisions, or actions shall be initiated by any respondent as a result of any verbal discussion with any employee of IDOA, INDOT, IGC or any of the SEI institutions. Inquiries are not to be directed to any staff member of IDOA, INDOT, IGC or any of the SEI institutions. Such action may disqualify respondent from further consideration for a contract as a result of this RFP.

### 1.7 PRE-PROPOSAL CONFERENCE

It is the decision of the State that no pre-proposal conference is required for this RFP.

### 1.8 MODIFICATIONS OR WITHDRAWAL OF OFFERS

Responses to this RFP may be modified or withdrawn in writing or by fax notice received prior to the exact hour and date specified for receipt of proposals. The respondent's authorized representative may also withdraw the proposal in person, providing his or her identity is made known and he or she signs a receipt for the proposal. Proposals may not be withdrawn after the proposal due date and time has passed.

Modification to or withdrawal of a proposal received by the Procurement Division after the exact hour and date specified for receipt of proposals will not be considered. If it becomes necessary to revise any part of this RFP or if additional data is necessary for an exact interpretation of provisions of this RFP prior to the due date for proposals, a supplement will be posted by the Procurement Division to the State of Indiana website. If such addenda issuance is necessary, IDOA reserves the right to extend the due date and time of proposals to accommodate such interpretations or additional data requirements.

### 1.9 PRICING

All respondents must submit Attachment C (Indiana Economic Impact Form) in order to be considered responsive. The State requests the pricing associated with this RFP be a firm proposal price that must remain open and in effect for a period of not less than 180 days from the proposal due date. The total

price proposed must be an all-inclusive total cost for the entire project. A brief narrative accompanying the pricing proposal is recommended. A separate analysis will be needed for each individual university.

The State recognizes there are certain industry practices for service providers. However, the State encourages respondents, in their responses to the RFP, to be as creative as possible regarding cost to the State, as cost efficiency for the State will be a consideration in determining whether a contract(s) will be awarded based on responses to the RFP and the selection of a service provider.

## **1.10 DISCUSSION FORMAT**

The State reserves the right to conduct discussions, either oral or written, with those respondents determined by the State to be reasonably viable to being selected for award. If discussions are held, the State may request best and final offers. IDOA's Procurement Division will schedule all discussions. Any information gathered through oral discussions should be confirmed in writing.

The request for best and final offers may include:

- Notice that discussions are concluded.
- Notice that this is the opportunity to submit written best and final offers.
- Notice of the date and time for submission of the best and final offer.
- Notice that if any modification is submitted, it must be received by the date and time specified or it will not be considered.
- Notice of any changes in the State's requirements.

The State reserves the right to reject any or all proposals received or to award, without discussions or clarifications, a contract on the basis of initial proposals received. Therefore, each proposal should contain the respondent's best terms from a price and technical standpoint. The State reserves the right to reopen discussions after receipt of best and final offers if it is clearly in the State's best interest to do so and the Director of the Procurement Division or designee makes a written determination of that fact. If discussions are reopened, the State may issue an additional request for best and final offers from all respondents determined by the State to be reasonably susceptible to being selected for award.

Following evaluation of the best and final offers, the State may select for negotiations the offers that are most advantageous to the State, considering price or cost and the evaluation factors in the RFP.

The State also reserves the right to conduct clarifications to resolve minor issues. If only clarifications are sought, best and final offers may not be requested. The State retains sole authority to determine whether contact with respondents is for clarification or discussion.

## **1.11 CONTRACT NEGOTIATIONS**

After recommendation of a selected respondent by appropriate officials of the State, contract negotiations will commence. The contract will be based primarily on the required clauses of the State as indicated in the State contract as appears in Attachment B of this document; secondly, on those required clauses by the respondent that are acceptable to the State; and, additionally, on any desirable clauses that either party would like to incorporate into the contract. If at any time contract negotiation activities are judged to be ineffective by the Commissioner of IDOA or designee, IDOA will cease all activities with that respondent and begin contract negotiations with the next highest ranked respondent. This process may continue until either both the respondent and the State of Indiana execute a completed contract or IDOA determines that no acceptable alternative proposal exists.

## **1.12 REFERENCE SITE VISITS**

The State may request a site visit to a respondent's working support center to aid in the evaluation of the respondent's proposal.

## **1.13 TYPE AND TERM OF CONTRACT**

The State of Indiana intends to sign a contract with one or more respondent(s) to provide the complete set of products and services listed in this RFP. The State will not entertain joint bids.

The term of this contract shall be for a period of one (1) year, beginning April 1, 2005 (or from date of final State approval of contract), and ending March 31, 2006 (or one year after the date of final State approval of the contract.). There may be renewals for a total of one additional year at the State's option.

## **1.14 CONTRACT OBLIGATIONS**

Attachment B of this document is the form of the expected contract resulting from this RFP. Although the State anticipates that any respondent submitting a proposal will provide the major portion of the products and services as requested, subcontracting by the respondent is acceptable in performing the requirements of this RFP. However, the respondent must obtain the approval of IDOA before subcontracting any portion of the project's requirements and the subcontractor must have registered with the Indiana Secretary of State at least 45 days prior to the issuance date of this RFP if they are a regular corporation, Sub Chapter S corporation, Limited Liability Corporation, Limited Partnership or Not for Profit Corporation. The respondent is responsible for the performance of any obligations that may result from this RFP and shall not be relieved by the non-performance of any subcontractor. Any respondent's proposal must identify all subcontractors, indicate that the subcontractor was registered with the Indiana Secretary of State at least 45 days prior to the issuance date of this RFP and outline the contractual relationship between the respondent and each subcontractor. Either a copy of the executed subcontract or a letter of agreement over the official signature of the firms involved must accompany each proposal. This RFP is subject to the Minority Business and Women's Enterprise Program. The requirements are explained elsewhere in the RFP.

Any subcontracts entered into by the respondent must be in compliance with all State of Indiana statutes and be subject to the provisions thereof. For each portion of the proposed products and services to be provided by a subcontractor, the technical proposal must include the identification of the functions to be provided by the subcontractor and the subcontractor's related qualifications and experience.

The combined qualifications and experience of the respondent and any or all subcontractors will be considered in the State's evaluation. The respondent must furnish information to the State as to the amount of the subcontract, the qualifications of the subcontractor for guaranteeing performance, and any other data that may be required by the State. All subcontracts held by the respondent must be made available upon request for inspection and examination by appropriate State officials and such relationships must meet with the approval of the State.

## **1.15 CONFIDENTIAL INFORMATION**

Respondents are advised that materials contained in proposals are subject to the Indiana Public Records Act, IC 5-14-3 *et seq.*, and, after the contract award, may be viewed and copied by any member of the public, including news agencies and competitors. Respondents claiming a statutory exception to the Indiana Public Records Act must place all confidential documents (including the requisite number of

copies) in a sealed envelope clearly marked “Confidential” and must indicate in the transmittal letter and on the outside of that envelope that confidential materials are included. The respondent must also specify which statutory exception provision applies. The State reserves the right to make determinations of confidentiality. If the State does not agree that the information designated is confidential under one of the disclosure exceptions to the Indiana Public Records Act, it may either reject the proposal or discuss its interpretation of the allowable exceptions with the respondent. If agreement can be reached, the proposal will be considered. If agreement cannot be reached, the State will remove the proposal from consideration for award and return the proposal to the respondent. The State will not determine prices to be confidential information.

#### **1.16 STATE OF INDIANA OBLIGATIONS**

The State of Indiana accepts no obligations for costs incurred by respondents in anticipation of being awarded a contract.

The State of Indiana creates no obligation, expressed or implied, by issuing this RFP or by receipt of any responses submitted pursuant hereto. The award of any contract(s) as a result of this RFP shall be at the sole discretion of the State. Neither this RFP nor any response (proposal) submitted hereto is to be construed as a legal offer.

#### **1.17 CONTRACT COMPONENTS**

Any or all portions of this RFP and normally any or all portions of the respondent’s response will be incorporated by reference as part of the final contract. Proprietary or confidential material submitted properly (see Section 1.15) will not be disclosed.

#### **1.18 PROPOSAL LIFE**

All proposals made in response to this RFP must remain open and in effect for a period of not less than 180 days after the due date for proposals. Any proposal accepted by the State for the purpose of contract negotiations shall remain valid until superseded by a contract or until rejected by the State.

#### **1.19 TAXES**

The State of Indiana is exempt from federal, state, and local taxes. The State will not be responsible for any taxes levied on the respondent as a result of the contract resulting from this RFP.

#### **1.20 SECRETARY OF STATE REGISTRATION**

In accordance with IC 5-22-16-4 (and the IDOA’s Opportunity Indiana program) before a respondent can do business with the State, the respondent must be registered with the Indiana Secretary of State. In order to be considered responsible, an offeror that is a business required to register with the Secretary of State must have registered with the Secretary of State at least 45 days before the RFP issuance date. If a respondent does not have such registration at present, the respondent should contact:

Secretary of State of Indiana  
Corporation Division  
302 West Washington Street, E018  
Indianapolis, IN 46204  
(317) 232-6576

for the necessary application form. It is each respondent's responsibility to assure that registration was at least 45 days prior to issuance of the RFP. Registration information will be verified prior to RFP recommendation.

### **1.21 EQUAL OPPORTUNITY COMMITMENT**

Pursuant to IC 4-13-16.5 and in accordance with 25 IAC 5-5-3, the Director of the Procurement Division of IDOA has determined that there is a reasonable expectation of minority and woman business enterprise participation in this contract. Therefore a contract goal of five percent (5%) IDOA-certified minority business enterprise (MBE) participation and five percent (5%) woman business enterprise (WBE) participation has been established and all respondents will be expected to comply with the regulation set forth in 25 IAC 5-5-3.

Compliance with these regulations will be taken into consideration during the evaluation phase of the RFP process.

### **1.22 MINORITY BUSINESS & WOMEN'S ENTERPRISE PARTICIPATION PLAN**

In accordance with 25 IAC 5 1-8, the respondent must submit within the proposal a Minority and Women's Business Enterprise participation plan with its proposal (Attachment A). Respondents must indicate the name of the racial minority and woman owned firm(s) with which it will work; the contact name and phone number at the firm(s); the service supplied by the firm(s); and the specific dollar amount from this contract that will be directed toward each firm. If the above mentioned goals (1.21) can not be achieved by directing proceeds from this contract toward racial minority and woman owned enterprises, the respondent may demonstrate that an amount, equal to each of the above goals, of the firms overall annual proceeds (from all business) are directed to racial minority and/or woman owned enterprises. Please note: Respondents' claims for participation will be validated prior to contract award.

All MBE and WBE participation is restricted solely to those minority and woman owned enterprises that have been certified by the Minority and Women Business Enterprises Division of the IDOA and possess a current valid certification from the IDOA. A directory of all IDOA certified MBE and WBE firms are provided on the IDOA's "Opportunity Indiana" website at [www.opportunityindiana.in.gov](http://www.opportunityindiana.in.gov). All proposals will be evaluated and scored on the level of IDOA-certified MBE and WBE participation. The level of certified MBE participation will carry a scoring value of 0-10 points (of a total of 100 points) based upon the level of IDOA-certified MBE participation. The level of certified WBE participation will also carry a scoring value of 0-10 points (of a total of 100 points) based upon the level of IDOA-certified WBE participation. Proposals that meet or exceed the percentage goal amount established for this RFP (5% of total contract amount) will receive ten (10) points.

Proposals that contain less than the 5% MBE participation goal will receive a pro-rata portion of the total possible 10 points for this scoring criterion (0-10 points). The level of certified WBE participation will also carry a scoring value of 0-10 points (of a total of 100 points) based upon the level of IDOA-certified WBE participation. Proposals that meet or exceed the percentage goal amount established for this RFP (5% of the total contract amount) will receive ten (10) points. Proposals that contain less than the 5% WBE participation goal will receive a pro-rata portion of the total possible 10 points for this scoring criterion (0-10 points). Failure to provide the MBE and WBE participation plan at the time of proposal submission may result in the disqualification and rejection of the proposal. Please note that IDOA reserves the right to verify all information included on minority and women's business enterprise participation plans and applications for waiver from the contract goal before making final determinations of the respondent's responsiveness.

Respondents are encouraged to contact and work with the Minority Business and Women Enterprise Division of the Indiana Department of Administration (IDOA) to design a plan to meet established goals. The Minority Business and Women's Enterprise Division's website address is [www.in.gov/idoa/minority](http://www.in.gov/idoa/minority).

Questions involving the regulations governing the MBE and WBE participation plan should be directed to:

Minority and Women Business Enterprise Division  
Indiana Department of Administration  
402 W. Washington St., Room W469  
Indianapolis, IN 46204  
(317) 233-6607

### **1.23 U.S. MANUFACTURED**

Each proposal must contain an explanation of what steps will be used to encourage the use of American-made products. The State does apply a U.S. Manufactured preference as set out in IC 5-22-15-21.

### **1.24 RECYCLED PRODUCTS**

Each proposal should contain an explanation of what recycled materials are used and identify the recyclables of products offered in response to this RFP.

### **1.25 AMERICANS WITH DISABILITIES ACT**

The respondent specifically agrees to comply with the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.* and 47 U.S.C. 225).

### **1.26 SUMMARY OF MILESTONES**

The following timeline is only an illustration of the RFP process. The dates associated with each step are not to be considered verbatim. Due to the unpredictable nature of the evaluation period, these dates are commonly subject to change. At the conclusion of the evaluation process all respondents will be informed of the evaluation team's findings.

<b><u>ACTIVITY</u></b>	<b><u>COMPLETION DATE</u></b>
Respondent inquiry period ends	January 4, 2005
Final State responses to inquiries	January 11, 2005
Proposal submission date	February 2, 2005
Notice of discussions*	February 15, 2004
Discussions*	February 22, 2005
Request for best and final offers (BAFO)*	March 1, 2005
Receipt of best and final offers*	March 4, 2005
Proposal evaluation completed*	March 7, 2005
Recommendation to IDOA*	March 9, 2005
Notify selected respondent	March 11, 2005
Contract negotiations begin*	March 14, 2005
Contract negotiations end*	March 16, 2005
Negotiated contract readied*	March 17, 2005
Contract signed by respondent*	March 18, 2005
State review begins*	March 21, 2005

State review ends\*  
Receipt of State approval\*

March 31, 2005  
April 1, 2005

*\* These dates are subject to the determination of the need for discussions. If discussions are not required, the process could reach a completion date at least four weeks earlier than the listed date for contract signature.*

**1.27 PROPOSAL AND PERFORMANCE BOND (25 IAC 1.1-1-5)**

Neither a proposal nor performance bond will be required for this RFP.

## SECTION TWO

### PROPOSAL PREPARATION INSTRUCTIONS

#### 2.1 GENERAL

To facilitate the timely evaluation of proposals, a standard format for proposal submission has been developed and is documented in this section. All respondents are required to format their proposals in a manner consistent with the guidelines described below:

- Each item must be addressed in the respondent's proposal or the proposal may be rejected.
- The transmittal letter should be in the form of a letter. The business and technical proposals must be organized under the specific section titles as listed below.
- The State may, at its option, allow all respondents a five-calendar-day period to correct errors or omissions to their proposals. Should this necessity arise, the State will contact each respondent affected. Each respondent must submit written corrections to the proposal within five calendar days of notification. The intent of this option is to allow proposals with only minor errors or omissions to be corrected. Major errors or omissions, such as the failure to include prices, will not be considered by the State as a minor error or omission and may result in disqualification of the proposal from further evaluation.

#### 2.2 TRANSMITTAL LETTER

The Transmittal Letter must address the following topics except those specifically identified as "optional."

##### 2.2.1 Summary of Ability and Desire to Supply the Required Products and Services

The transmittal letter must briefly summarize the respondent's ability to supply the requested products and services that meet the application requirements defined in Section Three of this RFP. The letter must also contain a statement indicating the respondent's willingness to provide the requested products and services subject to the terms and conditions set forth in the RFP including, but not limited to, the State's mandatory contract clauses.

##### 2.2.2 Signature of Authorized Representative

A person authorized to commit the respondent to its representations and who can certify that the information offered in the proposal meets all general conditions including the information requested in Section 2.3.4, must sign the transmittal letter. **In the transmittal letter please indicate the principal contact for the proposal along with an address, telephone and fax number as well as an e-mail address if different than individual authorized for signature.**

### 2.2.3 Respondent Notification Request

Unless otherwise indicated in the Transmittal Letter, respondents will be notified via e-mail.

It is the respondent's obligation to notify the Procurement Division of any changes in any address that may have occurred since the origination of this solicitation. The Procurement Division will not be held responsible for incorrect vendor/contractor addresses.

### 2.2.4 Other Information

This item is optional. Any other information the respondent may wish to briefly summarize will be acceptable.

## **2.3 BUSINESS PROPOSAL**

The Business Proposal must address the following topics except those specifically identified as "optional."

### 2.3.1 General

This optional section of the business proposal may be used to introduce or summarize any information the respondent deems relevant or important to the State's successful acquisition of the products and services requested in this RFP.

### 2.3.2 Respondent Company Structure

The legal form of the respondent's business organization, the state in which incorporated (if a corporation), the types of business ventures in which the organization is involved, and a chart of the organization are to be included in this section. If the organization includes more than one product division, the division responsible for the development and marketing of the requested products and services in the United States must be described in more detail than other components of the organization.

### 2.3.3 Company Financial Information

This section should include the respondent's independently audited financial statements including a profit/loss statement or balance sheet, for each of the two most recently completed fiscal years. The financial statements should demonstrate the respondent's financial stability. If the organization includes more than one product division, separate financial statements must be provided for the division responsible for the development and marketing of the requested products and services. Respondents that do not possess independently audited financial statements (audited by a licensed Certified Public Accountant) must submit federal tax returns submitted to the Internal Revenue Service for each of the two most recently completed fiscal years.

#### 2.3.4 Integrity of Company Structure and Financial Reporting

This section must include a statement indicating that the Chief Executive Officer and/or Chief Financial Officer has taken personal responsibility for the thoroughness and correctness of any/all financial information supplied with this proposal. The particular areas of interest to the State in considering corporate responsibility, which are mandatory, include the following items: separation of audit functions from corporate boards and board members, if any, the manner in which the firm assures board integrity, the separation of audit functions and consulting services. The State of Indiana will consider the information offered in this section to determine the responsibility of the offeror per IC 5-22-16-1(d).

Federal law H.R. 3763, the “Sarbanes Oxley Act of 2002” is NOT directly applicable to this solicitation; however, its goals and objectives were used to develop our mandatory areas of interest.

#### 2.3.5 Facilities and Resources

The respondent should include information with regard to the organization’s resources that it deems advantageous to the successful provision of the requested products and services. This might include management capabilities and experience, technical resources, and operational resources not directly assigned to this project, but available if needed.

#### 2.3.6 Required Contract Clauses

Indiana law requires the inclusion of certain language in all contracts. Also, the nature of the products and services requested in this RFP may present a need for the inclusion of certain commitments in any contract resulting from this RFP. Attachment B of this document contains a sample contract that could be similar to the one resulting from this RFP. Some clauses within the sample contract are mandatory and other clauses are desirable to the State. NOTE: Those clauses that are mandatory are as follows:

- Duties of contractor, rate of pay, and term of contract
- Conflict of Interest
- Drug-free workplace provision and certification
- Funding Cancellation
- Non-collusion and Acceptance
- Non-discrimination clause

Respondents should review these clauses in detail because a specific agreement to these clauses is required in the Transmittal Letter. If a respondent wishes to suggest alternative wording for one or more of these mandatory clauses without changing the intent, these suggestions may, at the respondent’s option, be documented in this section of the Business Proposal. The respondent’s suggested language will be considered by the State during the contract negotiation process. The State’s willingness to consider alternative language does not change the requirement that the respondent agree in the Transmittal Letter to the acceptance of the State mandatory clauses as written.

Attachment B also includes a number of desirable clauses that the State seeks to include in any contract resulting from this RFP but which it does not consider mandatory. For

each of these desirable clauses, the respondent should either indicate that the desired clause is acceptable as worded; suggest specific alternative wording to address issues raised by the specific clause; or indicate the desired clause is unacceptable and state why. Any language required by a respondent that is unacceptable to the State may lead to the rejection of that respondent's proposal.

#### 2.3.7 Pricing and Charges

The State requests the pricing associated with this RFP be a firm proposal price that must remain open and in effect for a period of not less than 180 days from the proposal due date as well as any extensions agreed to in the course of contract negotiations.

The total price proposed must be an all-inclusive total cost for the entire project. A brief narrative accompanying the pricing proposal is recommended. A separate analysis will be needed for each individual university.

#### 2.3.8 References

The respondent should include a list of at least three clients for whom the respondent has provided products and services that are the same or similar to those products and services requested in this RFP. Any state government for whom the respondent has provided these products and services should be included; also to be included should be clients with locations near Indianapolis, as site visits may be arranged. Information provided should include the name, address, and telephone number of the client facility and the name, title, and phone/fax numbers of a person who may be contacted for further information. The more similar the referenced products and services are to those requested in this RFP, a greater weight may be attached to the references in the State's evaluation process.

#### 2.3.9 Registration to do Business with the State of Indiana

Selected respondents providing the products and/or services required by this RFP must be registered to do business within the state by the Indiana Secretary of State at least 45 days before the issuance of the RFP to be considered responsible. The address contact information for this office may be found in Section 1.20 of this RFP. This process must have been concluded 45 days prior to the issuance of the RFP. It is the successful respondent's responsibility to complete the required registration with the Secretary of State. The respondent must indicate the status of registration, if applicable, in this section of the proposal.

#### 2.3.10 Authorizing Document

Respondent personnel signing the Transmittal Letter of the proposal must be legally authorized by the organization to commit the organization contractually. This section shall contain proof of such authority. A copy of corporate bylaws or a corporate resolution adopted by the board of directors indicating this authority will fulfill this requirement.

### 2.3.11 Subcontractors

The respondent must list any subcontractor's name, address and state of incorporation that are proposed to be used in providing the required products and services. The subcontractor's responsibilities under the proposal, anticipated dollar amount for subcontract, the subcontractor's form of organization, indication that the subcontractor was registered with the Indiana Secretary of State at least 45 days prior to the issuance date of this RFP (see Section 1.14 for forms of businesses required to register), if required, and an indication from the subcontractor of a willingness to carry out these responsibilities are to be included for each subcontractor. This assurance in no way relieves the respondent of any responsibilities in responding to this RFP or in completing the commitments documented in the proposal. The respondent must indicate which, if any, subcontractors qualify as a Minority or Women Owned Business under IC 4-13-16.5-1. See Section 1.22 and Attachment A for Minority and Women Business information.

### 2.3.12 Respondent Contract Requirements

This section is optional. If the respondent wishes to include any language other than that discussed in the Business Proposal, this language should be included in this section. For each clause included in this section, the respondent should indicate that the clause is required by the respondent in any contract resulting from this RFP and why it is required (if the required clause is unacceptable to the State, the respondent's proposal may be considered unacceptable) or indicate that the clause is desired (but not required) by the respondent in any contract resulting from this RFP.

## 2.4 TECHNICAL PROPOSAL

The Technical Proposal must be divided into the sections as described below. Every point made in each section must be addressed in the order given. The same outline numbers must be used in the response. RFP language should not be repeated within the response. Where appropriate, supporting documentation may be referenced by a page and paragraph number. However, when this is done, the body of the technical proposal must contain a meaningful summary of the referenced material. The referenced document must be included as an appendix to the technical proposal with referenced sections clearly marked. If there are multiple references or multiple documents, these must be listed and organized for ease of use by the State.

#### Organizational qualifications

Experience in conducting MBE and WBE utilization analyses for state educational institutions as well as for state agencies

Capacity for developing and assisting in the implementation of MBE and WBE utilization analyses and related goal setting

Specific deliverables to be provided to the IDOA, INDOT, IGC and each SEI

## 2.5 MINORITY & WOMEN'S BUSINESS ENTERPRISES PARTICIPATION PLAN

A properly completed and signed MWBE Participation Plan (Attachment A) must be included as part of the proposal. Respondents must indicate the name of the IDOA certified racial minority and IDOA certified woman owned firm(s) with which it will work; the contact name and phone number at the firm(s); the service supplied by the firm(s); and the specific dollar amount from this contract that will be directed toward each firm. If the above mentioned goals (1.21) can not be achieved by directing proceeds from this contract toward IDOA certified racial minority and IDOA certified woman owned enterprises, the respondent may demonstrate that an amount, equal to each of the above goals, of the firms overall annual proceeds (from all business) are directed to IDOA certified racial minority and/or woman owned enterprises. Please note: Respondents' claims for participation will be validated prior to contract award.

## **2.6 INDIANA ECONOMIC IMPACT**

All companies desiring to do business with state agencies must complete an "Indiana Economic Impact" form (Attachment C). The form asks for, among other information:

- a. The amount of the contract that is being allocated for payroll and benefits to Indiana residents
- b. The amount that is being awarded to Indiana subcontractors and suppliers
- c. The amount that is being subcontracted to Indiana certified minority and women owned businesses

The collection and recognition of the information collected with the Indiana Economic Impact form places a strong emphasis on the economic impact a project will have on Indiana and its residents regardless of where a business is located. The collection of this information does not restrict any company or firm from doing business with the state.

## **SECTION THREE PROPOSAL EVALUATION**

### **3.1 PROPOSAL EVALUATION PROCEDURE**

The IDOA, the SEI's and INDOT have selected a group of personnel to act as a proposal evaluation team. Subgroups of this team, consisting of one or more team members, will be responsible for evaluating proposals with regard to compliance with RFP requirements. All evaluation personnel will use the evaluation criteria stated in Section 3.2.

The procedure for evaluating the proposals against the evaluation criteria will be as follows:

- 3.1.1 Each proposal will be evaluated for form on a pass/fail basis. Proposals that are incomplete or otherwise do not conform to proposal submission requirements will normally be eliminated from consideration. Respondents should note that agreement to the State's mandatory contract clauses is required in the Transmittal Letter and will be evaluated for such under the form category.
- 3.1.2 Each proposal will be evaluated on the basis of the categories included in Section 3.2. A point/percentage score will be established for each category.
- 3.1.3 If technical proposals are close to equal, greater weight could be given to price.
- 3.1.4 Based upon the results of this evaluation, the qualifying proposal determined to be the most advantageous to the IDOA, INDOT, IGC and the SEI's, taking into account all of the evaluation factors, may be selected by IDOA, INDOT, IGC and the SEI's for further action, such as contract negotiations. If, however, IDOA, INDOT, IGC and the SEI's decide that no proposal is sufficiently advantageous to the State, the State may take whatever further action is deemed necessary to fulfill its needs. If, for any reason, a proposal is selected and it is not possible to consummate a contract with the respondent, IDOA may begin contract preparation with the next qualified respondent or determine that no such alternate proposal exists.

### **3.2 EVALUATION CRITERIA**

Proposals will be evaluated based upon the proven ability of the respondent to satisfy the requirements of the RFP in a cost-effective manner. Each of the evaluation criteria categories is described below with a brief explanation of the basis for evaluation in that category. The percentage of the total point score associated with each category is indicated following the category name. A total of 100 points is allocated to this RFP. Categories 3.2.1, 3.2.2 and 3.2.3 cannot exceed sixty (60) total points. Categories 3.2.4, 3.2.5 and 3.2.6 are fixed, totaling forty (40) points. Categories 3.2.4, 3.2.5 and 3.2.6 will be computed by the IDOA based upon the information submitted by each RFP respondent. It is each respondent's responsibility to complete the Indiana Economic Impact Form (0-20 points) and provide MBE (0-10 points) and WBE (0-10 points) participation plans under this RFP in a manner where the IDOA may compute the applicable scores for each of these three criteria totaling 40 points under this RFP. Only IDOA certified MBE and WBE firms will be scored.

- 3.2.1 Adherence to RFP Requirements: 20 points

- 3.2.2 Management judgment as to qualifications of the respondent to performed requested services: 20 points
- 3.2.3 Price (proposed total cost): 20 points
- 3.2.4 Indiana Economic Impact (Attachment C): 20 points

See Section 2.6 for additional information. The amount of the project being allocated for gross payroll and related fringe benefits for employees that live in Indiana + the amount allocated for subcontractors and suppliers located in Indiana + the amount allocated for State of Indiana certified minority and/or women owned businesses located in Indiana, divided by the total amount of the proposal = percentage of proposal's impact on the Indiana economy.

The percentage impact on the Indiana economy will be multiplied by the points allocated for Indiana Economic Impact (Section 3.2) and the resulting number will be the points awarded for Indiana Economic Impact.

- 3.2.5 Certified MBE Participation: 10 points/Certified WBE Participation: 10 points

Points for each element will be awarded by the corresponding participation indicated in the response in relation to the required amount set out in the RFP.

Points will be calculated and awarded as follows: The percentage of Minority and Women's participation will be multiplied against the total amount of the respondent's proposal. This represents the maximum or denominator. This number will be divided by the amount actually proposed for Minority and Women's participation. The resulting percentage will be multiplied against the total points allowed, currently 10 points for each category. The result will be the points scored for that response. **All Minority and Women-owned firms must be certified by the IDOA in advance of the deadline for submittal of proposals in order to be counted and receive a score greater than zero (0).**

## PROPOSAL CERTIFICATION

Responses to this solicitation serve as a warrant that the responding entity has properly registered as required by law with the Secretary of State and that it has no current or outstanding criminal, civil, or enforcement actions initiated by the State of Indiana, and it agrees that it will immediately notify the State of any such actions. The respondent also certifies that neither it nor its principals are presently in arrears in payment of its taxes, permit fees or other statutory, regulatory or judicially required payments to the State of Indiana. Any respondent agrees that the State may confirm, at any time, that no such liabilities exist, and, if such liabilities are discovered, that State may bar the respondent from contracting with the State, cancel existing contracts, withhold payments to setoff such obligations, and withhold further payments or purchases until the entity is current in its payments on its liability to the State and has submitted proof of such payment to the State.

Members of the selection committee appointed by the IDOA, INDOT and the SEI's will review all proposals. References will be contacted. It is possible that persons participating in the selection process, through IDOA, will interview finalists. The Commissioner of IDOA or his designee will, in the exercise of his sole discretion, determine which proposals offer the best means of servicing the interests of the State. The exercise of this discretion will be final.